

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Benne Singletary,)	
)	
Plaintiff,)	
)	Civil Action No. 06-315- JJF
)	
)	
v.)	
)	
Cpl.Gosnell, and C/O Waples)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

The Defendants, by and through their undersigned counsel, hereby move this Honorable Court pursuant to Federal Rule of Civil Procedure Rule 56 (c) to enter judgment as a matter of law. To support their Motion, Defendants offer the Memorandum of Points and Authorities filed simultaneously herewith.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters
Ophelia M. Waters
Deputy Attorney General
I.D. No. 3879
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302) 577-8400
Attorney for State Defendants

DATE: December 31, 2007

CERTIFICATE OF MAILING AND/OR DELIVERY

The undersigned certifies that on or before December 31, 2007, she caused
The State Defendants' Motion for Summary Judgment to be delivered to the following
person(s) in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

Benne Singletary, Inmate
SBI # 332365
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

MANNER OF DELIVERY:

 X Two true copies by first class mail, postage prepaid, to Benne Singletary.

 /s/ Ophelia M. Waters
Ophelia M. Waters, ID #3879
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400

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Defendants.)	

ORDER

AND NOW, this _____ day of _____, 2008, the Motion for Summary Judgment filed by state defendants in the above-captioned matter having been duly considered, and any opposition thereto, is granted; and,

IT IS ORDERED that plaintiff's claims against Defendants Waples and Gosnell be dismissed, with prejudice.

The Honorable Joseph J. Farnan, Jr.
United States District Court Judge

